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Judge Karen A. Overstreet

Chapter 11

Hearing Location: Seattle
Hearing Date: April 9, 2010
Hearing Time: 9:30 a.m.
Response Date: April 2, 2010

## UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON

VLADIMIR GUREVICH and LUDMILA GUREVICH,

No. 09-13244

OBJECTION TO MOTION TO CLOSE CASE AND FOR ATTORNEY'S FEES

Debtors.

The United States Trustee objects to the Debtors' Motion to Close Case and For Attorney's Fees ("the Motion"). In support of this Objection, the United States Trustee states as follows:

As a preliminary matter, the Motion does not have a proposed order attached and, therefore, the Motion does not comply with Local Rule 9013-1. As such, the Motion should be denied.

## I. Motion to Close Case

The Motion is not supported by any evidence. Mr. Feinstein states that all distributions and payments under the Debtors' confirmed plan are being made. However, there is no evidence, such as a declaration from the Debtors regarding their performance under their plan, to support the Motion. Further, it does not appear that the Debtors have begun plan payments. See Exhibit A. While no one from the United States Trustee's office is allowed to discuss this matter directly with the Debtors, it appears from their email that the Debtors do not know what amounts should be paid under the plan and to whom those payments should be made. It does not appear that they have made any payments under the plan. In addition, the Debtors have not filed their January 2010 monthly operating report and owe \$975 in quarterly fees. Until the Debtors provide evidence regarding their performance of the plan, file the required monthly operating report, and pay the required fees, the Motion to close this case should be denied.

Office of the United States Trustee United States Courthouse 700 Stewart St., Suite 5103 Seattle, WA 98101-1271 206-553-2000, 206-553-2566 (fax)

## II.. Objection to Attorney Fees

In the Motion, Mr. Feinstein applies for final fees. The fee application is substantively and procedurally deficient. First, and most obviously, the Motion does not have any billing statements attached. As such, no analysis of the application can be made. Second, the Motion does not meet many of the other requirements of Local Rule 2016-1. Given these deficiencies, the Motion for fees should be denied.

## III. Conclusion

The Motion is substantively and procedurally deficient. It lacks basic required elements, such as a declaration from the Debtors, time sheets from Mr. Feinstein, and a proposed order. As such, the Motion should be denied in its entirety.

Dated: April 2, 2010

Respectfully submitted,

ROBERT D. MILLER JR. Acting United States Trustee

/s/ Thomas A. Buford III

Thomas A. Buford III, Missouri Bar #56460 Attorney for the United States Trustee

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